



TOWN OF EASTHAM

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MINUTES EASTHAM BOARD OF HEALTH MEETING THURSDAY, SEPTEMBER 24, 2020 AT 3PM

Under the Executive Order suspending certain provisions of the Open Meeting Law, signed by Governor Baker on March 12, 2020, all members in any meeting of the public body may participate remotely.

Present: Dr. Joanna Buffington (Chair), Jane Crowley. Present remotely: Pat Lariviere, Adele Blong, Francie Williamson, Catherine Mondon

I. NOTIFICATION OF VIDEO/AUDIO RECORDING

II. OPENING STATEMENTS

Mrs. Crowley provided an update:

- Horsley Witten and the APCC have been contracted by the town to facilitate discussion on stormwater projects. A meeting with the trustees of Nauset Haven about the scope and goals of the stormwater project. A meeting will be scheduled with all residents of Nauset Haven.
- An investigation on protected species was required by National Heritage for the Fisherman's Landing stormwater project. The investigation is complete and implementation is slated to begin in the fall.
- The Town Flu Clinic will be conducted as a drive thru clinic at the Eastham Elks on McKoy Rd. The Flu Clinic is full. We are working to schedule a second flu clinic in November or December.

III. PUBLIC HEARING ON RENTAL VIOLATIONS

1. ANDERSON FAMILY TRUST 190 WIDGEON DR M17 P530

Anderson Family Trust was called before the Board of Health due to advertising the rental property over occupancy. The rental certificate has an occupancy of 8 as a four bedroom home. The dwelling was advertised as a five bedroom home with an occupancy of 10.

No one appeared to represent the property. The Health Department will contact the rental agency for additional contact information. A discussion on the responsibilities of the rental agency and homeowner occurred.

Ms. Williamson moved to continue until October 29, 2020.

Ms. Blong seconded the motion.

Approved by roll call vote 5-0

2. GUZDAR FAMILY LLC 1540 SAMOSET RD M13 P135

Guzdar Family LLC was called before the Board of Health due to advertising their rental property over occupancy. The rental certificate has an occupancy of 8 as a four bedroom home. The property was advertised with five bedrooms and an occupancy of 13.

One of the property owners, Ms. Zerlina Dubois, and the property manager, Amato Poselli, appeared. The property advertisement was changed prior to the meeting. The property is monitored via camera for the amount of cars at the property.

Mr. Poselli sought clarification about the loft area and if it could be considered a bedroom. He believed the loft met the criteria set forth in Title 5. Susan Barker, the Assistant Health Agent, cited her 2018 inspection and the floor plan she created during that inspection.

Clarification of the two person per bedroom occupancy determination was given. The occupancy is based on Title 5 and the state sanitary code.

Mr. Poselli shared his screen to show the comparable properties that he used to determine the advertised occupancy. It also illustrated a number of other properties are advertising over the rental permit occupancies. Ms. Crowley explained the enforcement policy.

Ms. Lariviere moved to fine the property \$600 (or two days of fines) for exceeding the rental occupancy. Ms. Blong seconded the motion.

Approved by roll call vote 4-1 (Ms. Mondon dissented)

IV. VARIANCES

3. E. MCCOLGAN & L. DOLE

440 MARY CHASE RD

M18 P67

Jason Ellis presented a plan to upgrade the septic system for an existing 3 bedroom dwelling on a 20,374 sq. ft environmentally sensitive lot. The presented plan includes the existing septic tank, proposed 1000 gallon pump chamber, proposed distribution box, and proposed 30' x 10' x 2' soil absorption system. The following variances were applied for:

1. Eastham BOH Regulations, Section I.E.3.a.iv – requirement of nitrogen reducing septic system on an environmentally sensitive lot.
2. Eastham BOH Regulations, Section I.C.3.b.ii – Proposed leach area located within 100' of an isolated wetland (100' required, 68' provided, 32' variance requested)
3. 310 CMR 15.248 – No reserve area required.

A discussion of the isolated vegetative wetland occurred. As an isolated vegetative wetland it is not under the jurisdiction of the wetlands act, but due to changes in the regulations and bylaws it is now under Conservation and Board of Health jurisdiction. A discussion of the need for I/A technology occurred.

Amy Hackworth, owner of 330, 370 & 400 Mary Chase Rd, asked questions of the location of the failed and new leaching facility. Mr. Ellis answered her questions. Helen Michaels, owner of 50 Mary Chase Rd, also spoke.

Ms. Blong moved to deny the variance to Eastham BOH Regulations, Section I.E.3.a.iv – requirement of nitrogen reducing septic system on an environmentally sensitive lot and to approve the variance to Eastham BOH Regulations, Section I.C.3.b.ii – Proposed leach area located within 100’ of an isolated wetland (100’ required, 68’ provided, 32’ variance requested) and 310 CMR 15.248 – No reserve area required with the following conditions:

1. Secondary treatment be added
2. Routine water quality test results be provided of existing well location to assure potability.
3. No increase in design flow be allowed.
4. Any increase in habitable square footage would require Board of Health review and abutter notification.
5. Secondary treatment and monitoring under general use approval condition per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
6. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base or directly to the Eastham Health Department if not available.
7. Deed restriction for 3 Bedroom use and use of alternative technology requirement to be recorded on deed.
8. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance.
9. Subject to Conservation Commission approval.

Ms. Lariviere seconded the motion.

Approved by roll call vote 5-0

4. JAMES F. HUNT LIFE TENANT

1130 KINGSBURY BEACH RD M10 P366

Jason Ellis presented a plan to upgrade the septic system for an existing 2 bedroom dwelling on a 5,850 sq. ft environmentally sensitive lot. The presented plan includes the proposed 1500 gallon septic tank with Advantex AX20 treatment unit, pump station, distribution box, and 21’ x 9’ x 2’ soil absorption system. The following variances were applied for:

1. 310 CMR 15.211 - 19’ from proposed SAS to well (pcl 364)(100’ required, 81’ provided, 19’ variance requested).
2. 310 CMR 15.211 - 13’ from proposed SAS to well (pcl 367)(100’ required, 87’ provided, 23’ variance requested).
3. 310 CMR 15.211 - 2’ from proposed SAS to well (pcl 365)(100’ required, 98’ provided, 2’ variance requested).
4. 310 CMR 15.211 – 5’ from proposed SAS to lot line (Longstreet Ln) (10’ required, 5’ provided, 5’
5. 310 CMR 15.211 – 5’ from proposed SAS to lot line (Kingsbury Beach Rd) (10’ required, 5’ provided, 5’
6. 310 CMR 15.248 – No reserve area required.

Ms. Lariviere moved to approve with the following conditions.

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under general use approval condition per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base or directly to the Eastham Health Department if not available.
4. Deed restriction for alternative technology requirement to be recorded on deed. (2 Bedroom deed restriction already recorded.)
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance.
6. Municipal water provided.

Ms. Mondon seconded the motion.

Approved by roll call vote 5-0

5. MICHAEL FLYNN

45 QUAIL COVER LN

M5 P388

Laura Schofield of Schofield Brothers presented a plan to upgrade the septic system of an existing three bedroom home on a 25,498 sq. ft. lot. The presented plan included a proposed 1500 gallons septic tank, distribution box, and a 25' x 12.8' x 2' soil absorption system. The following variance was applied for:

1. 310 CMR15.221(7) – an increase in the maximum allowable depth of system components required by 310 CMR 15.211(7) from 36" to 50" maximum below finish grade.

Ms. Williamson moved to approve with the following conditions:

1. No increase in habitable square footage without BOH review and abutter notifications.
2. No increase in flow allowed.

Ms. Mondon seconded the motion.

Approved by roll call vote 5-0

V. REVIEW

6. BILLINGSGATE LANDING

4615 & 4655 STATE HWY

M8 P287, 288

A continuance was requested.

Dr. Buffington moved to continue to October 29, 2020.

Ms. Mondon seconded the motion.

Approved by roll call vote 5-0

7. M. BARTLETT & C. MESNER

150 PLATEAU AVE

M7 P115

Jason Ellis presented a plan to upgrade the septic system as part of a building project to increase the number of bedrooms on a 22, 665 sq. ft lot. The presented plan includes the proposed 1500 gallon septic tank with Advantex AX20 treatment unit, pump station, distribution box, and 30' x 15' x 2' soil absorption system.

A discussion of when town water will be available occurred.

Ms. Blong moved to approve with the following conditions:

1. Verify soil conditions at the time of installation in location of proposed leach field.
2. No increase in design flow be allowed without abutter notification and BOH review.
3. Secondary treatment and monitoring under provisional use approval condition per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
4. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base or directly to the Eastham Health Department if not available.
5. Deed restriction for 4 bedrooms and alternative technology requirement to be recorded on deed.
6. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance.
7. Remove the variance request from the septic design plan.

Ms. Lariviere seconded the motion.

Approved by roll call vote 5-0

8. GAGNON FAMILY TRUST

490 STATE HWY

M21 P78

A continuance until 10/29/20 was requested.

9. DAVE & JULIE SPRINGWATER

30 DRAKE CIRCLE

M16 P2

Stephanie Sequin presented a plan to install a new septic system with secondary treatment on the 51, 682 sq. ft. (34, 370 sq. ft. building upland) environmentally sensitive lot. The proposed system includes a 1500 gallon septic tank with Microfast treatment unit, distribution box, and 25' x 12' x 2' soil absorption system.

Ms. Lariviere moved to approve with the following conditions:

1. Connection to municipal water.
2. No increase in design flow be allowed.
3. Any increase in habitable square footage would require BOH review.
4. Secondary treatment and monitoring under general use approval condition per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS,

Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.

5. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base or directly to the Eastham Health Department if not available.
6. Deed restriction for 3 bedrooms and alternative technology requirement to be recorded on deed.
7. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance.

Ms. Mondon seconded the motion.

Approved by roll call vote 5-0

VI. REDUCTION REQUEST

10. SAM DICKINSON

10 BAYBERRY LN

M13 P172

The Board reviewed a requested to reduce testing to twice a year.

Ms. Mondon moved to approve.

Ms. Williamson seconded the motion.

Approved by roll call vote 5-0

VII. OTHER BUSINESS - VOTE MAY BE TAKEN

11. CLIMATE CHANGE WARRANT ARTICLE

Dr. Buffington moved to rescind the prior months support due to lack of information and to begin a new discussion.

Ms. Mondon seconded the motion.

Approved by roll call vote 5-0

Dr. Buffington read the request letter into the record.

Clarifications of the concrete goals of the article was sought.

Ms. Williamson & Ms. Blong expressed concerns about some of the terms used and the unknown ramifications of the article. Dr. Buffington & Ms. Lariviere spoke in support of the article as a resolution not a bylaw.

Ms. Lariviere moved to support the resolution on Climate Change.

Dr. Buffington seconded the motion.

Motion failed by roll call vote 2-3

12. ANIMAL REGULATIONS

Dr. Buffington proposed to schedule a workshop with the animal control officer. Target dates of 10/8, 10/9 or the morning of 10/13 were set.

A discussion of prior changes occurred.

13. COVID-19

Mrs. Crowley provided an update.

VIII. MINUTES - VOTE MAY BE TAKEN

Ms. Lariviere moved to approve the minutes from August 27, 2020.
Ms. Williamson seconded the motion.

Approved by roll call vote 5-0

IX. ADJOURNMENT

Ms. Williamson moved to adjourn.
Ms. Mondon seconded the motion.

Approved by roll call vote 5-0